

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2013080002

v.

TEMECULA VALLEY UNIFIED SCHOOL  
DISTRICT,

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TEMECULA VALLEY UNIFIED SCHOOL  
DISTRICT,

OAH CASE NO. 2013080335

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING DISTRICT'S  
MOTION TO CONSOLIDATE

On July 30, 2013, Parents on behalf of Student (Student) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing (complaint) in OAH case number 2013080002 (First Case), naming the Temecula Valley Unified School District (District) as respondent. The complaint alleges six issues involving school years 2011-2012 and 2012-2013. Student alleges the following issues: (1) the District did not timely or appropriately assess Student; (2) the District failed to appropriately implement Student's Individualized Education Programs (IEP); (3) the District failed to provide Student with prior written notice of removal of IEP services; (4) the District failed to consider the full spectrum of educational placements at IEP meetings; (5) the District failed to address Student's requests for District funded Independent Education Evaluations (IEE's); and (6) the District failed to produce to Student all necessary education records.

On August 15, 2013, the District filed with OAH a Request for Due Process Hearing (complaint 2) in OAH case number 2013080335 (Second Case), naming Student as respondent. Complaint 2 contains two issues: (1) Whether the District's initial psychoeducational assessment of Student is appropriate; and (2) Whether Student is entitled to an IEE at District expense.

On August 15, 2013, the District filed a Motion to Consolidate the First Case with the Second Case and to have the dates contained in the August 1, 2013 Scheduling Order in case number 201308002 (First Case) applied to the consolidated case.

Student did not file a response to the motion.

### CONSOLIDATION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve a common question of law or fact, specifically, the appropriateness of the District's assessment of Student and whether the Student is entitled to have an IEE at District expense. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both issues are similar and require identical witnesses and evidence. Accordingly, consolidation is granted.

### ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013080335 (the Second Case) are vacated.
3. The District's request to have the dates contained in the August 1, 2013 Scheduling Order in case number 201308002 (the First Case) is granted and those dates shall apply to the consolidated case. The Mediation in the above-captioned case shall be held on September 3, 2013, at 9:30 a.m.; the Prehearing Conference in the consolidated cases shall be held on September 16, 2013, at 3:00 p.m.; and the Due Process Hearing in the consolidated cases shall be held on September 24, 2013, through September 26, 2013. The first day of the Due Process Hearing shall commence at 9:30 a.m...
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2013080002 (the First Case).

Dated: August 23, 2013

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings